

CITY OF BOULDER
OPEN SPACE BOARD OF TRUSTEES
POLICY FOR EASEMENT REQUESTS ON OPEN SPACE

Adopted November 13, 1985

Revised February 8, 1995

- I. Introduction. The primary purpose of the Open Space Program is to preserve and protect Open Space land for the benefit of the public. This Easement Request Policy is intended to reflect that purpose and, therefore, does not favor allowing use of Open Space land for the financial benefit or the private convenience of individual residents or land owners.
- II. Application Process. An applicant for an easement on Open Space must submit the following documents to the Department of Real Estate and Open Space at least 14 days prior to the Open Space Board meeting at which consideration of the request is sought:
 - A. A statement outlining the use of the proposed easement, including type and dimensions of any proposed improvements to be built within that easement;
 - B. A map showing the location and dimensions of the proposed easement and the location and dimensions of any temporary easement required during construction;
 - C. A map showing the location of wetlands within the proposed easement, or any temporary easement required for construction. In addition, wetlands within 50 feet of the proposed easement and temporary construction easement must be shown on the map. The wetland boundaries must be delineated by a qualified wetlands biologist using the methodology detailed in the City of Boulder Land Use Code (9-12, B.R.C., 1981). If wetlands are located in the proposed easement, temporary construction easement, or within 50 feet of either easement, the applicant will consult with the City of Boulder Planning Department to determine if a wetlands permit will be required for requested activities in the proposed easement.
 - D. Plans for restoration of the easement area after construction, including a time frame therefore, and any additional maintenance, such as watering and weed control during reestablishment of vegetation, that will be provided by the easement holder;
 - E. A statement explaining the need for the easement, which includes the following information:
 1. Alternative methods to achieve the purpose for which the easement is sought;
 2. Alternative locations to an Open Space easement;
 3. The cost to the applicant if the Open Space easement is granted;
 4. The cost of alternative methods and locations; and
 5. Any benefits perceived by the applicant to accrue to a broader group or to the public as a whole by virtue of the granting of the requested easement; and

An applicant or applicant's representative for an easement must be present at the meeting of the Board at which the easement is considered and should be prepared to answer any questions that Board members may have pertaining to the application.

V. Conditions that May be Imposed by the Open Space Board. A recommendation for approval of the easement to the City Council by the Open Space Board may include:

- A. Payment of money to the Open Space Fund. In determining how much money should be paid to the fund, the Board may consider, without limitation, the following:
 - 1. The fair market value of the easement;
 - 2. Any costs to the City occasioned by granting the easement, such as maintenance costs, staff time, recording fees, and appraisal costs; and
 - 3. The money saved by the applicant in obtaining an easement from the City as opposed to using an alternative method for achieving the desired result.
- B. An agreement by the applicant to petition for or not to oppose annexation to the City if the property benefited by the easement lies outside the City limits and is or becomes eligible for annexation;
- C. Other form of payment to the City for the easement, for example, labor, materials, improvements to or exchange of property;
- D. An agreement by the applicant permanently to maintain the easement or affected Open Space adjacent to the easement in a manner consistent with Open Space maintenance goals;
- E. Planning Board or Parks Board review if deemed appropriate; and
- F. Any other requirements intended to assure minimum disturbance and maximum preservation of the Open Space land resource, and performance by the applicant of any obligation imposed as a condition of the easement grant.

VI. Conditions which will Always be Imposed by the Open Space Board. All recommendations to the City Council for approval of an easement request will be conditioned by the Open Space Board on:

- A. The applicant paying the cost of constructing all improvements proposed to be made in the easement area;
- B. The applicant furnishing a survey description of the easement area by a registered land surveyor at the applicant's sole expense;